

Honolulu, Hawaii

MAR 23 2015

RE: H.B. No. 268
H.D. 2
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam:

Your Committee on Commerce and Consumer Protection, to which
was referred H.B. No. 268, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO DENTISTRY,"

begs leave to report as follows:

The purpose and intent of this measure is to grant the
Director of Commerce and Consumer Affairs the power to issue cease
and desist orders for the unlicensed practice of dentistry and for
any other act or practice in violation of chapter 448, Hawaii
Revised Statutes.

Your Committee received testimony in support of this measure
from the Hawaii Dental Association and one individual. Your
Committee received testimony in opposition to this measure from
the Regulated Industries Complaints Office of the Department of
Commerce and Consumer Affairs. Your Committee received comments
on this measure from the Board of Dental Examiners.

Your Committee finds that this measure authorizes the
Director of Commerce and Consumer Affairs to issue cease and
desist orders for the unlicensed practice of dentistry and for any
other act or practice in violation of chapter 448, Hawaii Revised
Statutes; sets forth procedures for the cease and desist orders;
and establishes a penalty for the continued practice of dentistry
upon service of a cease and desist order. However, your Committee
has heard the concerns that the cease and desist procedures
proposed by this measure unnecessarily complicate and impede the



Department of Commerce and Consumer Affairs' ability to stop an unlicensed individual from practicing dentistry in Hawaii.

Your Committee further finds that existing law allows the Regulated Industries Complaints Office to issue citations, with an order of abatement effective upon service, to persons engaged in unlicensed activity. Existing law also provides that an unlicensed individual may request a hearing to contest a citation. According to the Regulated Industries Complaints Office, this citation process is an expedient and efficient means of addressing unlicensed activity. Your Committee concludes that the cease and desist procedures under existing law more appropriately address the concerns surrounding unlicensed dental activity than the cease and desist procedures proposed by this measure.

Your Committee notes that the companion to this measure, S.B. No. 725, S.D. 2 (Regular Session of 2015), which was previously passed by the Senate, authorizes the Board of Dental Examiners to summarily suspend a license. Your Committee additionally finds that the language in S.B. No. 725, S.D. 2, is preferable because it enables the Board of Dental Examiners to respond swiftly and appropriately against licensees for the protection of consumers.

Accordingly, your Committee has amended this measure by:

- (1) Deleting its contents and inserting the contents of S.B. No. 725, S.D. 2, a substantively similar measure, which:
 - (A) Authorizes the Board of Dental Examiners to summarily suspend a license;
 - (B) Establishes procedures for the summary suspension of a license; and
 - (C) Specifies that continuing to practice dentistry, or attempting to do so, while the summary suspension of a license is in effect shall be grounds for revocation of the license; and
- (2) Inserting an effective date of July 1, 2015.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to



this report, your Committee is in accord with the intent and purpose of H.B. No. 268, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 268, H.D. 2, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Commerce and
Consumer Protection,



ROSALYN H. BAKER, Chair



The Senate
Twenty-Eighth Legislature
State of Hawai'i

Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:* HB 268 HD2	Committee Referral: CPN, JDL	Date: 3/17/15		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313 </div>				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
TANIGUCHI, Brian T. (VC)	✓			
KAHELE, Gilbert	✓			
KIDANI, Michelle N.				✓
NISHIHARA, Clarence K.				✓
WAKAI, Glenn	✓			
SLOM, Sam	✓			
TOTAL	5	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<div style="display: flex; justify-content: space-between; font-size: small;"> Distribution: Original File with Committee Report Yellow Clerk's Office Pink Drafting Agency Goldenrod Committee File Copy </div>				

*Only one measure per Record of Votes